

AMENDED IN SENATE JUNE 12, 2000
AMENDED IN ASSEMBLY MAY 26, 2000
AMENDED IN ASSEMBLY APRIL 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1792

Introduced by Assembly Member Villaraigosa
(Coauthors: Assembly Members Alquist, Aroner, Bates,
Correa, Dutra, Florez, Havice, Knox, Longville, Lowenthal,
Margett, Mazzoni, Nakano, Strickland, Washington, and
Zettel)

(Coauthor: Senator Soto)

January 26, 2000

An act to amend Sections 4461, 4463, 5007, 22511.55, and 22511.59 of, and to add Sections 1825 and 4463.2 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1792, as amended, Villaraigosa. Vehicles: disabled persons' parking: violations: fines and penalties.

(1) Existing law authorizes any disabled person or disabled veteran displaying special identification plates, as specified, or a distinguishing placard, as specified, to park for unlimited periods in certain zones. It is a misdemeanor for any person to whom the special identification plates or distinguishing placard has been issued to lend the placard to any person or knowingly permit the use for parking purposes of the placard

or plates by one not entitled to it or for any person to use a placard or plates not issued to him or her except for the purpose of transporting disabled persons.

This bill would specify a \$250 minimum fine for the misdemeanors described above, thus imposing a state-mandated local program by increasing the level of services imposed upon the courts.

(2) Existing law requires the applicant for a permanent or temporary distinguishing placard to submit to the Department of Motor Vehicles a certificate signed by a physician or other authorized person substantiating the disability, except as specified, and authorizes the department to require an applicant for the special identification plates to submit the substantiating certificate. It is a misdemeanor for any person to knowingly make any false statement or knowingly conceal any material fact in any document filed with the department. It is a felony for any person to forge, counterfeit, or falsify, or utter, publish, pass, or attempt to pass, as true and genuine, any false, altered, forged, or counterfeited special license plate or permit, among other things, issued under the Vehicle Code.

This bill would require the department to require applicants for the special plates to submit the substantiating certificate, except as specified.

~~The bill would make it a felony or misdemeanor for any person, with intent to prejudice, damage, or defraud, to alter, forge, counterfeit, or falsify, or utter, publish, pass, or attempt to pass, as true and genuine, any false, altered, forged, or counterfeited application, certificate, or other document submitted in support of an application for the special identification plates or permanent or temporary distinguishing placard. The bill thereby would impose a state-mandated local program by creating a new crime.~~

The bill would require the physician or other person who signs the certificate to maintain information sufficient to substantiate that certificate and, upon request of the department, make that information available for inspection by the Medical Board of California. Because a violation of this requirement would be punishable as an infraction under the

Vehicle Code, the bill would impose a state-mandated local program by creating a new crime.

(3) The bill would make certain technical, nonsubstantive changes.

(4) The bill would require the Department of Motor Vehicles to conduct an annual, random audit of applications submitted and processed by the department to verify the authenticity of the certificates and information. This requirement would only apply to those applications that were initially submitted to the department after January 1, 2001.

(5) The bill would set forth legislative intent with regard to the disabled placard program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that the
2 Department of Motor Vehicles do all of the following:

3 (a) In cooperation with the Medical Board of
4 California, the Department of Rehabilitation, and the
5 Department of Aging, undertake necessary measures to
6 strengthen the disabled person or disabled veteran
7 distinguishing placard application and certification
8 processes and review existing policies and procedures
9 governing the investigation of placard misuse and fraud.

10 (b) Update disabled person or disabled veteran
11 distinguishing placard forms and program publications to
12 ensure that applicants are aware of their rights and
13 responsibilities with respect to the proper use of those
14 placards and the penalties imposed for fraudulently
15 obtaining or misusing placards.

16 (c) Update its driver handbook publications and
17 driver tests to ensure that the public is provided adequate

1 information as to the appropriate use of designated
2 parking spaces for the exclusive use of vehicles that
3 display special identification plates or placards and the
4 penalties imposed for violations of those provisions.

5 (d) Conduct education outreach programs in concert
6 with the disability community, senior organizations, and
7 medical providers, in order to inform persons of the
8 disabled person or disabled veteran distinguishing
9 placard application and medical certification processes
10 and the relating statutes, policies, and procedures
11 governing placard misuse and fraud.

12 SEC. 1.5. Section 1825 is added to the Vehicle Code,
13 to read:

14 1825. (a) The department shall conduct an annual,
15 random audit of applications submitted and processed
16 pursuant to Section 22511.55 or subdivision (b) or (c) of
17 Section 22511.59 to verify the authenticity of the
18 certificates and information submitted in support of those
19 applications.

20 (b) The audit requirements of subdivision (a) only
21 apply to those applications that were initially submitted
22 to the department after January 1, 2001.

23 SEC. 2. Section 4461 of the Vehicle Code is amended
24 to read:

25 4461. (a) No person may lend any certificate of
26 ownership, registration card, license plate, special plate,
27 validation tab, or permit issued to him or her if the person
28 desiring to borrow it would not be entitled to its use, nor
29 may any person knowingly permit its use by one not
30 entitled to it.

31 (b) No person to whom a disabled person placard has
32 been issued may lend the placard to any other person, nor
33 may any disabled person knowingly permit the use for
34 parking purposes of the placard or identification license
35 plate issued pursuant to Section 5007 by one not entitled
36 to it. A person to whom a disabled person placard has
37 been issued may permit another person to use the placard
38 only while in the presence or reasonable proximity of the
39 disabled person for the purpose of transporting the
40 disabled person. A violation of this subdivision is a

1 misdemeanor, punishable by a fine of not less than two
2 hundred fifty dollars (\$250) nor more than one thousand
3 dollars (\$1,000), or by imprisonment in the county jail for
4 not more than six months, or by both that fine and
5 imprisonment.

6 (c) Except for the purpose of transporting disabled
7 persons as specified in subdivision (b), no person may
8 display any disabled person placard that was not issued to
9 him or her or that has been canceled or revoked pursuant
10 to Section 22511.6. A violation of this subdivision is a
11 misdemeanor, punishable by a fine of not less than two
12 hundred fifty dollars (\$250) nor more than one thousand
13 dollars (\$1,000), or by imprisonment in the county jail for
14 not more than six months, or by both that fine and
15 imprisonment.

16 (d) Notwithstanding subdivisions (a), (b), and (c), no
17 person using a vehicle displaying a special identification
18 license plate issued to another pursuant to Section 5007
19 may park in those parking stalls or spaces designated for
20 disabled persons pursuant to Section 22511.7 or 22511.8,
21 unless transporting a disabled person. A violation of this
22 subdivision is a misdemeanor, punishable by a fine of not
23 less than two hundred fifty dollars (\$250) nor more than
24 one thousand dollars (\$1,000), or by imprisonment in the
25 county jail for not more than six months, or by both that
26 fine and imprisonment.

27 (e) For the purposes of subdivisions (b) and (c),
28 “disabled person placard” means a placard issued
29 pursuant to Section 22511.55 or 22511.59.

30 SEC. 3. Section 4463 of the Vehicle Code is amended
31 to read:

32 4463. (a) Every person who, with intent to prejudice,
33 damage, or defraud, commits any of the following acts is
34 guilty of a felony and upon conviction thereof shall be
35 punished by imprisonment in the state prison for 16
36 months, two or three years, or by imprisonment in the
37 county jail for not more than one year:

38 (1) Alters, forges, counterfeits, or falsifies any
39 certificate of ownership, registration card, certificate,
40 license, license plate, device issued pursuant to Section

1 4853, special plate, or permit provided for by this code or
2 any comparable certificate of ownership, registration
3 card, certificate, license, license plate, device comparable
4 to that issued pursuant to Section 4853, special plate, or
5 permit provided for by any foreign jurisdiction, or alters,
6 forges, counterfeits, or falsifies the document, device, or
7 plate with intent to represent it as issued by the
8 department, or alters, forges, counterfeits, or falsifies with
9 fraudulent intent any endorsement of transfer on a
10 certificate of ownership or other document evidencing
11 ownership, or with fraudulent intent displays or causes or
12 permits to be displayed or have in his or her possession
13 any blank, incomplete, canceled, suspended, revoked,
14 altered, forged, counterfeit, or false certificate of
15 ownership, registration card, certificate, license, license
16 plate, device issued pursuant to Section 4853, special
17 plate, or permit.

18 (2) Utters, publishes, passes, or attempts to pass, as
19 true and genuine, any false, altered, forged, or
20 counterfeited matter listed in subdivision (a) knowing it
21 to be false, altered, forged, or counterfeited.

22 (b) Every person who, with intent to prejudice,
23 damage, or defraud, commits any of the following acts is
24 guilty of a misdemeanor, and upon conviction thereof
25 shall be punished by imprisonment in the county jail for
26 six months or by a fine of not less than five hundred dollars
27 (\$500) or more than one thousand dollars (\$1,000), or by
28 both that fine and imprisonment, which penalty shall not
29 be suspended:

30 (1) Forges, counterfeits, or falsifies any disabled
31 person placard or any comparable placard relating to
32 parking privileges for disabled persons provided for by
33 any foreign jurisdiction, or forges, counterfeits, or falsifies
34 any disabled person placard with intent to represent it as
35 issued by the department.

36 (2) Passes, or attempts to pass, as true and genuine, any
37 false, forged, or counterfeit disabled person placard
38 knowing it to be false, forged, or counterfeited.

39 (3) Acquires, possesses, sells, or offers for sale a
40 genuine or counterfeit disabled person placard.

(c) Every person who, with fraudulent intent, displays or causes or permits to be displayed any forged, counterfeit, or false disabled person placard, is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for six months or by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or by both that fine and imprisonment, which penalty shall not be suspended.

(d) For purposes of subdivision (b) or (c), “disabled person placard” means a placard issued pursuant to Section 22511.55 or 22511.59.

~~SEC. 4. Section 4463.2 is added to the Vehicle Code, to read:~~

~~4463.2. Any person who, with intent to prejudice, damage, or defraud, does any of the following is guilty of a public offense and, upon conviction thereof, is punishable by imprisonment in the state prison for 16 months, two or three years, or by confinement in the county jail for not more than one year:~~

~~(a) Alters, forges, counterfeits, or falsifies any application, certificate, or other document submitted in support of an application made or processed pursuant to Section 5007 or 22511.55, or subdivision (b) or (c) of Section 22511.59.~~

~~(b) Utters, publishes, passes, or attempts to pass, as true and genuine, any false, altered, forged, or counterfeited application, certificate, or other document submitted in support of an application made or processed pursuant to Section 5007 or 22511.55, or subdivision (b) or (c) of Section 22511.59.~~

~~SEC. 5.~~

~~SEC. 4. Section 5007 of the Vehicle Code is amended to read:~~

~~5007. (a) The department shall, upon application and without additional fees, issue a special identification license plate or plates to a disabled person or disabled veteran, pursuant to procedures adopted by the department.~~

(b) The special identification plates issued to a disabled person or disabled veteran shall run in a regular numerical series which shall include one or more unique two-letter codes reserved for disabled person license plates or disabled veteran license plates. The International Symbol of Access adopted pursuant to Section 3 of Public Law 100-641 commonly known as the “wheelchair symbol” shall be depicted on each plate.

(c) (1) Prior to issuing any disabled person or disabled veteran a special identification license plate, the department shall require the submission of a certificate, in accordance with paragraph (2), signed by the physician or surgeon substantiating the disability, unless the applicant’s disability is readily observable and uncontested. The disability of any person who has lost, or has lost use of, one or more lower extremities or both hands, or who has significant limitation in the use of lower extremities, may also be certified by a licensed chiropractor. The blindness of any applicant shall be certified by a licensed physician or surgeon who specializes in diseases of the eye or a licensed optometrist.

(2) The physician or other person who signs a certificate submitted under this subdivision shall retain information sufficient to substantiate that certificate and, upon request of the department, shall make that information available for inspection by the Medical Board of California.

(d) The special identification license plate shall, upon the death of the disabled person or disabled veteran, be returned to the department within 60 days or upon the expiration of the vehicle registration, whichever occurs first.

~~SEC. 6.~~

SEC. 5. Section 22511.55 of the Vehicle Code is amended to read:

22511.55. (a) (1) Any disabled person or disabled veteran may apply to the department for the issuance of a distinguishing placard. The placard may be used in lieu of the special identification license plate or plates issued under Section 5007 for parking purposes described in

1 Section 22511.5 when suspended from the rear view
2 mirror or, if there is no rear view mirror, when displayed
3 on the dashboard of a vehicle. It is the intent of the
4 Legislature to encourage the use of these distinguishing
5 placards because they provide law enforcement officers
6 with a more readily recognizable symbol for
7 distinguishing vehicles qualified for the parking
8 privilege. The placard shall be the size and color
9 determined by the department, shall bear the
10 International Symbol of Access adopted pursuant to
11 Section 3 of Public Law 100-641, commonly known as the
12 “wheelchair symbol.” The department shall incorporate
13 instructions for the lawful use of a placard, and a summary
14 of the penalties for the unlawful use of a placard, into the
15 identification card issued to the placard owner.

16 (2) (A) The department may establish procedures for
17 the issuance and renewal of the placards. The placards
18 shall have a fixed expiration date of June 30 every two
19 years. Whenever any application for a placard is
20 submitted to the department on or after January 1 of the
21 year of expiration, the fee shall be for the current and
22 subsequent renewal period.

23 (B) As used in this section, “year” means the period
24 between the inclusive dates of July 1 through June 30.

25 (C) Prior to the end of each year, the department
26 shall, for the most current three years available, compare
27 its record of disability placards issued against the records
28 of the Bureau of Vital Statistics of the State Department
29 of Health Services, or its successor, and withhold any
30 renewal notices that otherwise would have been sent, for
31 any placard holders identified as deceased.

32 (3) The fee for an original application or renewal
33 application is six dollars (\$6).

34 (4) Except as provided in paragraph (5), no person is
35 eligible for more than one placard at any time.

36 (5) Organizations and agencies involved in the
37 transportation of disabled persons or disabled veterans
38 may apply for a placard for each vehicle used for the
39 purpose of transporting disabled persons or disabled
40 veterans.

1 (b) (1) Prior to issuing any disabled person or
2 disabled veteran an original distinguishing placard, the
3 department shall require the submission of a certificate,
4 in accordance with paragraph (2), signed by the
5 physician or surgeon substantiating the disability, unless
6 the applicant's disability is readily observable and
7 uncontested. The disability of any person who has lost, or
8 has lost use of, one or more lower extremities or both
9 hands, or who has significant limitation in the use of lower
10 extremities, may also be certified by a licensed
11 chiropractor. The blindness of any applicant shall be
12 certified by a licensed physician or surgeon who
13 specializes in diseases of the eye or a licensed optometrist.
14 The physician or person certifying the qualifying
15 disability shall provide a full description of the illness or
16 disability on the form submitted to the department.

17 (2) The physician or other person who signs a
18 certificate submitted under this subdivision shall retain
19 information sufficient to substantiate that certificate and,
20 upon request of the department, shall make that
21 information available for inspection by the Medical Board
22 of California.

23 (3) The department shall maintain in its records all
24 information on an applicant's certification of permanent
25 disability and shall make that information available to
26 eligible law enforcement or parking control agencies
27 upon a request pursuant to Section 22511.58.

28 (c) (1) Any person who has been issued a
29 distinguishing placard pursuant to subdivision (a) may
30 apply to the department for a substitute placard without
31 recertification of eligibility, if that placard has been lost
32 or stolen.

33 (2) The fee for a substitute placard issued pursuant to
34 paragraph (1) is six dollars (\$6).

35 (d) The distinguishing placard shall be returned to the
36 department not later than 60 days after the death of the
37 disabled person or disabled veteran to whom the placard
38 was issued.

39 ~~SEC. 7.~~

1 *SEC. 6.* Section 22511.59 of the Vehicle Code is
2 amended to read:

3 22511.59. (a) Upon receipt of the applications and
4 documents required by subdivisions (b), (c), or (d), the
5 department shall issue a temporary distinguishing
6 placard bearing the International Symbol of Access
7 adopted pursuant to Section 3 of Public Law 100-641
8 commonly known as the “wheelchair symbol.” During
9 the period for which it is valid, the temporary
10 distinguishing placard may be used for the parking
11 purposes described in Section 22511.5 in the same manner
12 as a distinguishing placard issued pursuant to Section
13 22511.55.

14 (b) (1) Any person who is temporarily disabled for a
15 period of not more than six months may apply to the
16 department for the issuance of the temporary
17 distinguishing placard described in subdivision (a).

18 (2) Prior to issuing a placard pursuant to this
19 subdivision, the department shall require the submission
20 of a certificate signed by a physician or surgeon, as
21 described in subdivision (b) of Section 22511.55,
22 substantiating the temporary disability and stating the
23 date upon which the disability is expected to terminate.

24 (3) The physician or other person who signs a
25 certificate submitted under this subdivision shall
26 maintain information sufficient to substantiate that
27 certificate and, upon request of the department, shall
28 make that information available for inspection by the
29 Medical Board of California.

30 (4) A placard issued pursuant to this subdivision shall
31 expire not later than 180 days from the date of issuance
32 or upon the expected termination date of the disability,
33 as stated on the certificate required by paragraph (2),
34 whichever is less.

35 (c) (1) Any disabled person or disabled veteran who
36 is not a resident of this state and plans to travel within the
37 state may apply to the department for the issuance of the
38 temporary distinguishing placard described in
39 subdivision (a).

1 (2) Prior to issuing a placard pursuant to this
2 subdivision, the department shall require certification of
3 the disability, as described in subdivision (b) of Section
4 22511.55.

5 (3) The physician or other person who signs a
6 certificate submitted under this subdivision shall
7 maintain information sufficient to substantiate that
8 certificate and, upon request of the department, shall
9 make that information available for inspection by the
10 Medical Board of California.

11 (4) A placard issued pursuant to this subdivision shall
12 expire not later than 90 days from the date of issuance.

13 (d) (1) Any disabled person or disabled veteran who
14 has been issued either a distinguishing placard pursuant
15 to Section 22511.55 or special identification license plates
16 pursuant to Section 5007, but not both, may apply to the
17 department for the issuance of the temporary
18 distinguishing placard for the purpose of travel described
19 in subdivision (a).

20 (2) Prior to issuing a placard pursuant to this
21 subdivision, the department shall require the applicant to
22 submit either the number identifying the distinguishing
23 placard issued pursuant to Section 22511.55 or the
24 number on the special identification license plates.

25 (3) A placard issued pursuant to this subdivision shall
26 expire not later than 30 days from the date of issuance.

27 (e) The fee for a placard issued pursuant to this section
28 is six dollars (\$6).

29 ~~SEC. 8.~~

30 *SEC. 7.* No reimbursement is required by this act
31 pursuant to Section 6 of Article XIII B of the California
32 Constitution because the only costs that may be incurred
33 by a local agency or school district will be incurred
34 because this act creates a new crime or infraction,
35 eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition

1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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